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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,437	05/23/2001	Yoshio Nakao	826.1726	8890
21171	7590	12/17/2004	EXAMINER SERROU, ABDELALI	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 2654	PAPER NUMBER

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/862,437	NAKAO, YOSHIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Abdelali Serrou	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 May 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 May 201 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06-15-2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

- Figure 9 is mentioned in the brief description of the drawing part, but is not mentioned elsewhere in the specification.
- On page 37, line 6, step (S54) is misnumbered as step (S53)

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2- The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention

Claims 4-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose the “the related parts” (claims 4-6, lines 3), and “common topics”, “a drawing”, and “an instruction” (claim 7 lines 6, 7, and 8 respectively). Therefore, the specification does not contain a complete written description of the invention, and the manner and the process of making and using it, in such full, clear, concise, and exact terms.

3- The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4- Claims 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 4-6 recite the limitation "the related parts" (lines 3, respectively). There is insufficient antecedent basis for this limitation in the claims.
- Claim 7 recites the limitation "a drawing" having "common topics" and "an instruction" (lines 6, 7, and 8 respectively). Neither the claim nor the specification point out to the term, mentioned above, or explain the use of them making the claim vague and indefinite.

***Claim Rejections - 35 USC § 103***

5- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6- Claims 1, 3, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inderjeet Mani et al. ("Summarizing Similarities and Differences Among Related Documents", The MITRE Corporation, Massachusetts Institute of Technology, 1999) in view of Robert John Fleischer (US 5,960,383) and further in view of Ching (U.S 6,560,620).

As per claims 1, 3 and 9 Mani discloses:

- A multi-document reading apparatus (a tool for analyzing document collections such as multiple news stories, page 358, § 2, line 2 and 3)
- A topic extraction apparatus (extracting information content, page 357 § 2, line7)
- A storage medium to store the program that causes the computer to perform (The focus of the work described here is to provide a tool "computer" for analyzing document collections such as multiple news stories, page358, column 1, § 2, lines 1-3)

However, Mani does not disclose a document reading apparatus that recognizes a thematic hierarchy of each document.

Fleischer, however, discloses an apparatus recognizing the thematic hierarchy (the present invention method and apparatus ... the invention further includes the steps of dividing the document into a plurality of identifiable sections, comparing words in each one of the plurality of identifiable sections with the document noun phrase list and providing a count associated with each of said plurality identifiable sections, column 1, § 3, lines 1, 2, and 7-12).

Therefore, it would have been obvious to combine Mani with Fleischer for the benefit of obtaining a multi-document reading apparatus that extracts topic of documents, recognizes thematic hierarchy of each document, and stores its own operating program in a storage medium.

Neither Mani nor Fleischer teach an apparatus that displays the taken-out description corresponding to a topic side by side.

The Ching reference discloses a computer that compares the content of two different documents and displays the taken-out description (identified segment) from the first topic on one side and displays the identified segment from the second document on the other side (see figure 8 and column 2, lines 34-38).

Mani, Fleischer and Ching are analogous art because they are from the same field of multi-document reading, thematic hierarchy recognition, information extraction and display system and a storage medium.

At the time of invention it would have been obvious to a person of ordinary skill in the art, to have added Ching's side-by-side display feature to the multi-document reading apparatus of Mani and thematic hierarchy recognizer of Fleischer because, by combining Ching's teaching (column 2 lines 61-64) by displaying the document's segments side- by- side a user can compare or quickly identify the changes between the two segments. With Mani's system it also could be used to display any document or subdocument side –by –side to compare and extract similarities and differences.

7- As per claim 10, since we have an apparatus that recognizes the thematic hierarchy, extracts information, displays, and stores it in a storage medium, it is necessary that there be signal propagation between the different parts of the apparatus for the communication to take place.

8- As per claims 11, the examiner notes that the method recited (in claim 11) is embedded in the apparatus described in claim 1. Therefore, the method of claim 11 is rejected for the same reasons, as is claim 1.

9- As per claim 12, the examiner takes official notice that it's well known to have a user to input designating documents for processing in order to have more control over the apparatus. Thus, it would have been obvious to one skilled in the art to designate a user to accomplish the method, recited in claim 11, of the apparatus mentioned in claim 1.

10- Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mani, Fleischer, and Ching as applied to claim 1 above, in further view of Garret O'Carroll (U.S 6,772,165).

Mani teaches an extracting device that extracts topic sets based on lexical similarities (the approach described here exploits the results of progress in information extraction...., the summarizer can pinpoint similarities and differences, and align text segments, page 357, § 1, lines 4-8).

Mani, Fleischer, and Ching do not disclose a method that merges two related documents and creates a new integrated document.

O'Carroll, discloses a system for merging the source document with at least one other source document to provide the target document (According to the invention, there is provided a document processing system comprising means for processing a source document to provide a

target document, characterised in that the processing means comprises means for merging the source document with at least one other source document to provide the target document, column1, § 3 and figures 8-11). It would have been obvious for an artisan at the time of the invention to merge two related documents into a single integrated document to help the user by conveniently locating the desired information into a single document for reading.

*Conclusion*

11- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishizawa (US 6,537,325) discloses an improved document comprehension support apparatus and method to generate a summarized text from an original text. Guan et al (US 6,810,376) disclose a system and associated methods to determine the semantic similarity of different sentences to one another.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdelali Serrou whose telephone number is 703-305-0513. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Smits can be reached on 703-306-3011. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdelali Serrou

12/08/2004



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SUPERVISORY PATENT EXAMINER